

REMARKS

Status of the Claims

Claims 1-45 are pending in the above-identified application. Claims 20 and 29 have been amended to depend from claim 1. Claims 26, 36, and 44-45 have been amended to depend from claim 43. Claims 17-19 and 39-41 have been amended to place the claims in better form. Thus, no new matter has been added. Based upon the above considerations, entry of the present amendment is respectfully requested.

Election/Restriction

The Examiner has required election in the present application between:

Group I, claims 1-19 and 43, drawn to a product; and

Group II, claims 20-42 and 44-45, drawn to a method.

For the purpose of examination of the present application, Applicants elect, with traverse, Group I, claims 1-19 and 43, drawn to a product.

First, Applicants have amended claims 44-45, which are product claims, to properly depend from independent claim 43 from Group I. As such, Applicants respectfully submit that claims 44-45 should also be included in elected Group I.

Applicants respectfully traverse the restriction requirement. According to MPEP 803, if the search and examination of an entire application can be made without a serious burden, the Examiner *must* examine it on the merits, even though it includes claims to independent or distinct inventions. Since Group I (claims 1-19 and 43-45, directed to a food product) and Group II (claims 20-42, which are methods of making the food product) are so closely related in subject matter, the Examiner is necessarily searching Group II when conducting a search for Group I. Thus, the additional group identified by the Examiner could efficiently be examined in this

application along with the elected invention without undue burden on the Examiner or the USPTO.

Furthermore, Applicants respectfully remind the Examiner that should all the claims directed to the elected invention be in condition for allowance, the nonelected claims should be considered for rejoinder. (See MPEP 821.04(b)).


Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned to conduct an interview in an effort to expedite prosecution in connection with the present application.

- ☐ Attached is a Petition for Extension of Time.
- ☐ Attached hereto is the fee transmittal listing the required fees.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

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Respectfully submitted,

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